THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 19293 of 2006

Date 18-09-2006

Between:

B.Dayanand.

..... PETITIONER

AND

The Branch Manager, State Bank of India and others.

.....RESPONDENTS

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.19293 of 2006

O R D E R :

This writ petition is filed seeking a direction to the fourth respondent not to take over the possession of the premises bearing No.10-03-454, P.S. Nagar, Vijayanagar Colony, Hyderabad at the instance of the first respondent-bank pending proceedings before the Debts Recovery Tribunal.

It is not in dispute that the petitioner attained a loan from the first respondent-bank and since he committed default in payment of the amounts, the first respondent-bank having invoked the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act'), issued notices under sub-sections (2) and (4) of Section 13 of the Act. Pursuant thereto when an auction notice dated 16-03-2006 was issued to sell the property belonging to the petitioner in public auction, the petitioner earlier filed W.P.No.7202 of 2006. The tenant in respect of the said premises also filed a separate writ petition being W.P.No.9570 of 2006. Both the writ petitions were dismissed by this Court, by a common order dated 06-07-2006, holding that the action of the first respondent-bank in bringing the property in question to sale was in accordance with the provisions of the Act. A finding was also recorded that notices under Section 13(2) of the Act were served on the petitioner.

The petitioner states that, thereafter, on 29-07-2006 he preferred an appeal before the Debts Recovery Tribunal, Hyderabad along with an application to condone the delay and also seeking stay

of all further proceedings. It is stated that though the application to condone the delay was taken up on 14-06-2006, it was adjourned to enable the respondents to file their counter and the request of the petitioner to grant interim stay in the meanwhile was not accepted by the Tribunal. Hence this writ petition with the above prayer.

Having heard the learned counsel for the petitioner and having perused the material on record, I do not find any justifiable reason to grant the relief as prayed for.

Nothing has been placed before this Court to show that after the dismissal of the earlier writ petitions, any coercive steps were taken by the first respondent-bank in pursuance of the possession notice dated 27-10-2005.

In the circumstances and particularly, in view of the findings recorded by this Court in the earlier round of litigation, I do not find any merit in the writ petition and accordingly the same is dismissed. No order as to costs.

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18-09-2006

usd